

MODIFY CHILD SUPPORT

(This outline includes both “contested” and “un-contested” instructions.)

Ignorance of the law excuses no man: Not that all men know the law, but because 'tis an excuse every man will plead, and no man can tell how to refute him.

John Selden
English antiquarian & jurist

As a *Pro Se* Litigant you are representing yourself and therefore are responsible for all documents you file with the Court or present to the Judge. Please read all documents and instructions carefully. If you need assistance understanding forms or procedures, the Court Facilitator may review forms you have prepared yourself, answer questions, or help you with procedures.

- **THE COURT FACILITATOR CANNOT GIVE LEGAL ADVICE.**
- The Court Facilitator does not represent you and may also assist your spouse.
- There is a \$40 (cash only) fee per one hour appointment, payable to the Island County Superior Court Clerk before your appointment.
- Walk-in hours are Wednesdays between the hours of 11 a.m. and 4 p.m., 15 minutes per person.
- To schedule an appointment call **(360) 678-7981** or email **d.mehlhaff@co.island.wa.us**

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1. **Obtain and prepare the necessary forms.** You may purchase a packet of forms from the Island County Superior Court Clerk or you may download forms for free at the following websites:

www.courts.wa.gov/forms	(Standardized Washington State Forms)
www.islandcounty.net/superiorcourt	(Island County Local Court Rules and Forms)

2. **To file for *Modification of Child Support*, the following forms must be completed:**

_____ Petition to Modify Child Support	FL Modify 501
_____ Summons: Notice about Petition to Modify Child Support Order	FL Modify 600
_____ Confidential Information Form	FL All Family 001
_____ Attachment to Confidential Information <i>(additional parties or children)</i>	FL All Family 002
_____ Financial Declaration	FL All Family 131
_____ Sealed Financial Source Documents	FL All Family 011
_____ Child Support Worksheet	WSCSS Worksheets

3. **Make copies of all forms you have completed, except the Confidential Information Form.** The Superior Court Clerk's office will keep the original documents for your Court file; you will need a set of copies for yourself and another set to serve on the other party. It is important to keep a copy of these documents; you will need to refer to them when you prepare for your final Hearing.
4. **File the original documents with the Island County Superior Court Clerk in Coupeville** (101 NE Sixth Street). The filing fee is payable only in cash, money order, or cashier's check; the Superior Court Clerk will inform you of the current fee amount. The fee may be waived in some cases. The forms necessary for obtaining a fee waiver are available on the State website or at Island County Superior Court Administration. (**Note:** If you obtain a fee waiver to file your documents, the Court Facilitator fees will also be waived.)
5. **Serve the other party with a copy of the documents you prepared; do not include the Confidential Information Form.** Personal service must be completed by a person who is over the age of 18, a United States citizen, and not involved in the case. (**Note:** You may not complete the personal service; it must be by a third party.) The person completing service must complete a:

_____ **Proof of Personal Service**

FL All Family 101

Proof of Personal Service is very important; all documents being served must be noted along with the date, time, and location service is completed. Make a copy and file the original **Proof of Personal Service** at the Superior Court Clerk's office.

The Island County Sheriff's office may serve the documents for a fee if the other party resides in Island County. If the other party does not reside in Island County, contact the Sheriff's office, or a Process Server, in the county in which he/she lives.

The other party has **20 days** (if served in Washington) or **60 days** (if served outside Washington) to file a **Response** to your **Petition**. If you need to serve by mail or publication, you must ask the Court for permission to do so and follow the instructions in the **Order** allowing this alternate type of service.

6. **Respondents:** If you are served with a **Petition to Modify Child Support Order** and do not agree, you must file a:

_____ **Response to Petition to Modify Child Support Order**

FL Modify 502

You **Response** must be filed within **20 days** (if served within Washington state) or **60 days** (if served outside of Washington State). File your **Response** with the Superior Court Clerk's office and send a copy "certified mail return receipt requested" to the party requesting the modification at the address indicated on the **Summons**. You may also want to file and send your own **Child Support Worksheets**.

7. **Default orders:** If the other party does not file a **Response** to your **Petition** within the allowed time, you may complete a:

_____ **Motion for Default**

FL All Family 161

_____ **Order on Motion for Default**

FL All Family 162

Present these documents to the Judge on the Court's *Ex-Parte* Calendar or on the *Pro Se* Dissolution Calendar when finalizing your case. If the Judge signs an **Order on Motion for Default** you can finalize your case without the other party's participation or signature. If obtaining a default, it is important to remember that all your final documents must match the documents originally filed and served to the Respondent.

8. **Review of Final Documents - LOCAL COURT RULE SPR 94.04**

(i) Parenting Plans and Child Support Orders Submitted by *Pro Se* Parties – Review. In any action in which the residential care or child support of a minor child or children is at issue and in which none of the parties are represented by counsel, the parenting plan and child support documents shall first be reviewed, approved and initialed by the Court Facilitator in the county in which the action is pending, or if there is no Court Facilitator, by the Juvenile Court Administrator. A proposed parenting plan does not need to be initialed and approved before filing, but any parenting plan submitted for Court approval must be so initialed and approved before the Court will consider it.

(Note: You must schedule an appointment with the Court Facilitator to have your **final *Child Support Worksheets* and *Child Support Order*** initialed **BEFORE** your final Hearing.)

9. **To complete your case, prepare the final documents.** If you obtained an ***Order on Motion for Default***, or if you and the other party have reached an agreement, complete and sign all documents listed below. If you are finishing by default, make sure all your final orders are filled out **exactly the same** as the documents the other party was served with in the beginning.

_____ Final Order and Findings on Petition to Modify Child Support Order	FL Modify 510
_____ Child Support Worksheets	WSCSS Worksheets
_____ Child Support Order	FL All Family 130

10. **Schedule your Hearing.**

- Call the Superior Court Clerk’s Office **(360) 679-7359** and ask to be put on the ***Pro Se Agreed Dissolution Calendar***. All family law cases completed by either agreement or by default are heard on the *Pro Se* Dissolution Calendar, Wednesdays at 8:30 a.m.
- **Take all your prepared orders to the final Hearing.**

11. **If you cannot come to an agreement, fill out and file a *Note for Trial Setting*** (local form). The ***Note for Trial Setting*** is your request to have a ***Trial Date*** assigned to your case.

- On the line that says “Date requested for trial assignment” pick a Monday that is at least two weeks away. You will not have to appear in court on that Monday, it is just the date that the Court Administrator will be reviewing your file and assigning you a ***Trial Date*** and a ***Readiness Hearing***.
- If there are dates that you will not be available for trial, fill out and file a ***Notice of Conflict Dates*** (local form) when you file your ***Note of Trial Setting***. **You must serve the other party with a copy of the *Note for Trial Setting* and any *Notice of Conflict Dates*.**
- The Court will send you and the other party notice of your ***Readiness Hearing*** and your ***Trial Date***.
- **If you are not represented by an attorney, you must meet with the Court Facilitator to review your final orders PRIOR to trial.** Arrange an appointment at least 2 weeks before your Hearing.
- **You must confirm your trial with Court Administration by not later than 12 noon two (2) days prior to the trial or it will be stricken. Call (360) 679-7361 to confirm.**

12. ***Courtesy (Working) Copies.*** Approximately one (1) week before your trial date, it is requested that you provide the Judge with a “courtesy copy” of the documents you will be presenting at trial.

LCR 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS.

(3) ***Courtesy Copies for Judges.*** Courtesy copies of pleadings and other papers shall be provided to the Court Administrator's office for the Judge assigned to the case at the same time as such pleadings and other papers are required to be served on the opposing party. Such courtesy copies shall have the words "Judge's Courtesy Copy" in the upper right hand corner of the first page, the Judge's name, and the date and time of the Hearing. Courtesy copies are discarded after ten (10) days from the assigned Hearing date. It is the responsibility of the parties or counsel to provide new courtesy copies to the Judge thereafter as provided herein.

13. **There are specific requirements and procedures related to trial preparation.** It is strongly suggested that you purchase a copy of Island County's ***Local Court Rules*** at the Court Administrator's Office, or download a copy from the Island County Superior Court website. Be sure you are familiar with the rules related to trials and that you follow the required procedures. **This outline does not cover trial preparation. You may want to seek legal advice from an attorney.**
14. **Go to your trial with all the completed documents listed in #9 above.**

IMPORTANT: This checklist is not a substitute for legal advice. Before starting any legal action, it is always wise to consult an Attorney regarding your rights and responsibilities. Many Attorneys offer consultations. The Court Facilitator cannot give legal advice. ONLY AN ATTORNEY CAN GIVE LEGAL ADVICE.

Island County Superior Court Ex-Parte Calendar

Mondays at 9:30 a.m.

Tuesdays through Fridays 1 p.m.

You must check in with the Superior Court Clerk's Office at least 45 minutes before the court time.

Island County Pro-Se Dissolution Calendar

Wednesdays at 8:30 a.m.

You must check in with the Superior Court Clerk's Office no later than 8:15 a.m.

HELPFUL WEBSITES:

www.islandcounty.net/superiorcourt	(general information, local forms and rules)
www.nwjustice.org	(general information and links to other resources)
www.washingtonlawhelp.org	(general information and sample forms)
www.courts.wa.gov	(forms and other information)
www.dshs.wa.gov/doc	(information on child support & calculator)

HELPFUL PHONE NUMBERS:

Island County Court Facilitator	(360) 678-7981
Island County Superior Court Clerk's Office	(360) 679-7359
Island County Superior Court Administration	(360) 679-7361
CLEAR Referral Line for Volunteer Lawyer Program	(888) 201-1014